



**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 29, 2004.

Chris R. Buttrey

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In the Application of :

Kenneth D.R. SETCHELL et al. : Confirmation No.: 9470  
Serial No.: 10/625,934 : Art Unit: 1614  
Filing Date: July 24, 2003 :  
For: **Compositions and Products Containing S-Equol, and  
Methods for Their Making**

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT PURSUANT  
TO 37 CFR 1.56, 1.97 AND 1.98**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR 1.56, 1.97, and 1.98, Applicants request the Examiner to make of record the document listed on the attached PTO/SB/08 form. In accordance with MPEP 609, the Examiner is requested to initial each document listed on the attached PTO/SB/08 form in the space provided, make a copy of the initialed form, and return the copy to Applicants' attorney.

The document listed on the attached PTO/SB/08 form came to Applicants' attorney's attention as a result of a PCT Written Opinion (copy enclosed) for PCT Application WO 2004/039327 A2.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies the document as prior art against any claim in the application and Applicants determine that the cited document

does not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

This paper and the enclosed document are being submitted in accordance with 37 CFR 1.97(b), i.e., within three (3) months of the application filing date or prior to a first Office Action on the merits. Therefore, no fee is believed to be due.

Respectfully submitted,  
For: Kenneth D.R. SETCHELL, et al.

By:

  
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Daniel F. Nesbitt  
Attorney for Applicant  
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October 29 , 2004

**U.S. PATENT DOCUMENTS**

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s) volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		KINJO, J., Phytoestrogens. Japanese Journal of Clinical Medicine, December 2000, 58(12), pp. 2434-8.	

Examiner Signature		Date Considered	
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